

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

TRAVIS A. WOODS,

Plaintiff,

VS.

OFFICER WARNOCK; JOSH ADCOCK;
CAPTAIN MICHAEL KEENE; MARK
ELKINS; and SHERIFF CHRIS PRINE,

Defendants.

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Civil File Case No.
7 : 09-CV-105 (HL)

RECOMMENDATION

Presently pending in this *pro se* prisoner 42 U.S.C. § 1983 action is Defendants' motion to dismiss for failure to prosecute. (Doc. 17). The Plaintiff filed this action on August 27, 2009. (Doc. 2). Service was ordered on June 3, 2010. (Doc. 6).

The Court's June 3, 2010 Order (Doc. 6) contains the following directive to the parties in this action: "[d]uring the pendency of this action, all parties shall at all times keep the clerk of this court and all opposing attorneys and/or parties advised of their current address. Failure to promptly advise the Clerk of any change of address may result in the dismissal of a party's pleadings filed herein."

The Court's Initial Order (Doc. 6) and its contemporaneous Report and Recommendation (Doc. 5) were mailed by the Clerk to Plaintiff and returned as undeliverable. (Doc. 11). On July 1, 2010, the Court entered an Order (Doc. 12) adopting the Report and Recommendation. This Order was mailed by the Clerk to Plaintiff and was returned as undeliverable. (Doc. 13). On August 2, 2010, the Clerk mailed to Plaintiff the Court's Election Form (Doc. 15) which was likewise returned as undeliverable (see Doc. 16). The Order of notification sent to Plaintiff (Doc. 18) was also

returned as undeliverable. (Doc. 19).

As it is clear that the plaintiff has failed to comply with the court order to notify the court of his current address, as is evidenced by the fact that his mail has been returned as undeliverable on several occasions, the undersigned finds a willful failure on the part of the plaintiff to comply with the order of the court. Upon consideration of the alternatives that are available to the Court, it is the RECOMMENDATION of the undersigned that this action be **DISMISSED** without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as no lesser sanction will suffice. *Link v. Wabash R.R.*, 370 U.S. 626, 630, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (interpreting Rule 41(b) not to restrict the court's inherent authority to dismiss *sua sponte* an action for lack of prosecution); *World Thrust Films, Inc. v. International Family Entertainment, Inc.*, 41 F.3d 1454, 1456-57 (11th Cir.1995); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir.1989); *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir.1985); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir.1983).

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable Hugh Lawson, United States District Judge, WITHIN FOURTEEN (14) DAYS of the date of this order.

SO RECOMMENDED, this 3rd day of November, 2010.

S// Thomas Q. Langstaff
THOMAS Q. LANGSTAFF
UNITED STATES MAGISTRATE JUDGE

msd